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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ALLEGIANT TRAVEL COMPANY, a Nevada
corporation; ALLEGIANT AIR, LLC, a Nevada
limited liability company,

Petitioners,

vs.

JASON W. KINZER, an individual,

Respondent.

Case No.: 2:21-cv-01649-JAD-NJK

**UNOPPOSED PETITIONERS' MOTION
TO EXTEND TIME TO FILE
SUPPLEMENT**

(FIRST REQUEST)

Petitioners ALLEGIANT TRAVEL COMPANY and ALLEGIANT AIR, LLC (together, "Allegiant" or "Petitioners"), by and through their attorneys, the law firm of Jackson Lewis P.C., bring the instant Unopposed Motion to Extend the May 4, 2022 deadline established by the Court (ECF No. 11) for Petitioners to file their Supplement to its Motion for Leave to Redact or File Certain Document Under Seal (ECF No. 2). This Motion is unopposed because Respondent Jason W. Kinzer has not appeared or otherwise participated in this case. Further, this Motion is based on the Memorandum of Points and Authorities attached hereto, the pleadings and papers on file herein, and any oral argument the Court allows.

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MEMORANDUM OF POINTS AND AUTHORITIES

Petitioners filed their Application to Confirm Arbitration Award (ECF No. 1) and Motion for Leave to Redact or File Certain Documents Under Seal (ECF No. 2) (the “Motion to Seal”) w on September 8, 2021. On April 20, 2022, the Court ordered that Petitioners to file a supplement to its Motion for Leave by May 4, 2022. ECF No. 11. For the reasons discussed below, Petitioners respectfully request that the time to file such supplement be extended to **May 11, 2022**.

The decision to grant an extension or continuance is within the Court’s sound discretion. *F.T.C. v. Gill*, 265 F.3d 944, 954-55 (9th Cir. 2001). Federal Rule of Civil Procedure 6(b)(1) provides that when an act must be done within a specified time, the Court “may, for good cause, extend the time . . . with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires” The “good cause” standard “primarily considers the diligence of the party seeking the amendment.” *In re W. States Wholesale Nat. Gas Antitrust Litig.*, 715 F.3d 716, 737 (9th Cir. 2013).

Here, good cause exists for extending the deadline for Petitioners to file their supplement. *See Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (requests for extensions of time made before the applicable deadline has passed should generally be granted in the absence of bad faith or prejudice to adverse party; good cause for an extension of time under Rule 6(b) is a “non-rigorous standard” that is construed broadly).

Counsel for Petitioners is continuing to review the public filings made in the underlying *Kinzer v. Allegiant Air, LLC* case to ensure Petitioners comply with the Court’s Order to include in the supplement “certifications that the information underlying each redaction or sealing request is not already available to the public.” ECF No. 11, 3:5-7. The filings are extensive and include more than 10,800 pages from proceedings in the District of Nevada (Case No. 2:15-cv-02306-JAD-PAL), Eighth Judicial District Court (Case No. A-15-727524-C), Nevada Supreme Court (Case No. 75232), Ohio Court of Common Pleas (Case No. 17-878068), and Supreme Court of the State of New York (Case No. 154811/17). Counsel has been working to complete this review and finalize Petitioners’ supplement expeditiously, but has been slowed by out of town business travel, illness which lasted several days, and deadlines in other cases.

1 Good cause exists to enlarge the time by which a party may file a document where additional
 2 time is needed to prepare such document. *See O'Connor v. U.S. I.R.S.*, 698 F. Supp. 204, 205 (D.
 3 Nev. 1988) (district court granted the plaintiffs' motion for an extension of time to oppose a motion
 4 for summary judgment); *Germaine Music v. Universal Songs of Polygram*, 275 F.Supp.2d 1288,
 5 1301 (district court granted movant's motion for additional time to oppose a motion for summary
 6 judgment). That is the case here.

7 Petitioners make this request in good faith and not to delay these proceedings. Therefore,
 8 Petitioners respectfully requests that the Court grant this Motion, and allow Petitioners a brief
 9 extension until May 11, 2022, in which to file Petitioners' supplement to the Motion for Leave in
 10 accordance with the Court's Order (ECF No. 11).

11 DATED this 4th day of May, 2022.

12 JACKSON LEWIS P.C.

13 /s/ Joshua A. Sliker

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18 *Attorneys for Petitioners Allegiant Travel Co.*
 19 *and Allegiant Air, LLC*

20 **ORDER**

21 IT IS SO ORDERED:

22
 23 
 24 ~~UNITED STATES DISTRICT JUDGE /~~
 25 UNITED STATES MAGISTRATE JUDGE

26 DATED: May 5, 2022